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   Attorneys for Mr. Fernandez
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                            UNITED STATES DISTRICT COURT
                          SOUTHERN DISTRICT OF CALIFORNIA
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                           (HONORABLE JOHN A. HOUSTON)
  UNITED STATES OF AMERICA,
                                         Case No.: 08cr0802-JAH
              Plaintiff,
                                                 June 13, 2008
11
                                         Date:
                                         Time:
                                                 8:30 a.m.
12
                                         NOTICE OF MOTIONS AND MOTIONS IN
  JOSE JUAN FERNANDEZ,
                                         LIMINE TO:
                                         1) PRECLUDE EVIDENCE UNDER 404(B)
14
              Defendant.
                                            AND 609:
                                         2) GRANT ATTORNEY CONDUCTED VOIR
15
                                            DIRE:
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                                         3) EXCLUDE 403 EVIDENCE;
                                         4) EXCLUDE EVIDENCE OF STRUCTURE:
                                         5) PRECLUDE MARIJUANA FROM
17
                                            COURTROOM:
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                                         6) PRECLUDE EVIDENCE OF PERSONAL
                                            USE PARAPHERNALIA AS IMPROPER
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                                         7) PRECLUDE INTRODUCTION OF
                                            DOCUMENTS NOT YET PRODUCED IN
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                                            DISCOVERY:
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                                         8) ORDER PRODUCTION OF
                                            SUPPLEMENTAL REPORTS;
                                         9) PRECLUDE DOCUMENTS AND OTHER
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                                            EVIDENCE OF POVERTY:
                                         10) EXCLUDE EVIDENCE OF DEMEANOR;
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                                            AND.
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                                         11) COMPEL PRODUCTION OF THE GRAND
                                            JURY TRANSCRIPTS.
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  TO:
              KAREN HEWITT, UNITED STATES ATTORNEY, and
              PAUL STARITA, ASSISTANT UNITED STATES ATTORNEY
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1	PLEASE TAKE NOTICE that, on June 13, 2008, at 8:30 a.m., or as soon thereafter as
2	counsel may be heard, the accused, George Metzgar, by and through his attorneys, David Peterson, Jason Ser,
3	and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined
4	below.
5	<u>MOTIONS</u>
6	Mr. Jose Juan Fernandez, by and through his counsel, David Peterson, Jason Ser, and Federal
7	Defenders of San Diego, Inc., brings these motions in limine and other trial motions to:
8	1) Preclude Evidence Under 404(B) and 609;
9	2) Grant Attorney Conducted Voir Dire; 3) Exclude 403 Evidence;
10	4) Exclude Evidence of Structure; 5) Preclude Marijuana From the Courtroom; Courtroom; Courtroom Structure; 6 Provide Marijuana From the Courtroom;
11	6) Preclude Evidence of Personal Use Paraphernalia as Improper 404(b);
12	7) Preclude Introduction of Documents Not Yet Produced In Discovery;
13	8) Order Production of Supplemental Reports; 9) Preclude Documents and Other Evidence of Poverty; 10) Evaluate Evidence of Mr. Metagarla Domagnam and
14	10) Exclude Evidence of Mr. Metzgar's Demeanor; and, 11) Compel Production of Grand Jury Transcripts.
15	Mr. Fernandez brings this motion pursuant to the Fourth, Fifth and Sixth Amendments to the
16	United States Constitution, Fed. R. Crim. P. 12, 16 and 26, and all other applicable statutes, case law and
17	local rules. This motion is based on the previously submitted statement of facts and memorandum of points
18	and authorities.
19	Respectfully submitted,
20	Respectivity submitted,
21	<u>s/ David M.C. Peterson</u> Dated: June 2, 2008 SET DAVID M.C. PETERSON
22	Federal Defenders of San Diego, Inc. Attorneys for Mr. Fernandez
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